IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

C.R.No. 1828 of 2007
Date of decision : 4.4.2007

United India Insurance Company Ltd. & Ors.

...Petitioners.

Versus

M/s Geeta Threads Ltd. (regd.)

...Respondent.

CORAM : HON'BLE MR. JUSTICE VINOD K. SHARMA

Present : Mr.V.M. Gupta, Advocate
for the petitioners.

****

VINOD K. SHARMA, J. (ORAL)

The present revision petition has been filed against the order dated 3.2.2007 passed by the learned trial Court vide which application moved by the petitioner under Order 13 C.P.C. for rejection of inadmissible evidence, has been rejected.

The petitioners by way of application had sought the deletion of Ex.P-14 from the evidence recorded which was tendered in evidence by PW-2. It was alleged in the application that affidavit submitted in examination-in-chief by PW2 did not mention Ex.P14 to be the document attached with the affidavit and, therefore, it was claimed that petitioner had no opportunity to cross-examine witness on the said document.

The learned trial Court has taken note of the fact that while submitting the affidavit in examination-in-chief PW2 has specifically tendered Ex.P14 along with other documents. It has also been observed that

PW2 was subjected to detailed cross-examination by the counsel for the petitioner. The Court has further held that once the objection to the document being exhibited is not taken at relevant time it was not open to the defendant petitioners to move application subsequently.

There is no error in exercise of jurisdiction by the learned Courts below which may call for interference by this Court in revisional jurisdiction under Article 227 of the Constitution of India.

Dismissed.

4.4.2007 **(VINOD K. SHARMA)**
'sp' **JUDGE**